

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION : 21 MC 101 (AKH)  
:  
----- x  
WORLD TRADE CENTER PROPERTIES LLC, :  
et al., :  
:  
Plaintiffs, : 08 CIV 3719 (AKH)  
:  
v. :  
:  
UNITED AIRLINES, INC., et al., :  
:  
Defendants. :  
----- x  
WORLD TRADE CENTER PROPERTIES LLC, :  
et al., :  
:  
Plaintiffs, : 08 CIV 3722 (AKH)  
:  
v. :  
:  
AMERICAN AIRLINES, INC., et al., :  
:  
Defendants. :  
----- x

**SUPPLEMENTAL DECLARATION OF DESMOND T. BARRY, JR.**

I, DESMOND T. BARRY, JR., declare as follows:

1. I am admitted to practice before this Court, and a member of the law firm of Condon & Forsyth LLP, co-counsel for American Airlines, Inc. and AMR Corporation. I also serve as Liaison Counsel for the Aviation Defendants<sup>1</sup> in this litigation.

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<sup>1</sup> The Aviation Defendants joining in this Motion are United Air Lines, Inc.; United Continental Holdings (f/k/a UAL Corporation); Continental Airlines, Inc.; US Airways, Inc.; US Airways Group, Inc.; Colgan Air, Inc.; Delta Air Lines, Inc.; Globe Aviation Services Corporation; Huntleigh USA Corporation; The Boeing Company; and Massachusetts Port Authority. On

2. I submit this supplemental declaration in support of the Aviation Defendants' Renewed Motion for Collateral Setoff Against WTCP's Claims Pursuant to N.Y. CPLR § 4545(c) and for Summary Judgment Dismissing WTCP's Damages Claims.<sup>2</sup>

3. In support of this motion, I attach a true and correct copy of the following exhibit:

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*In the Matter of the Petition of 1 World Trade Center LLC, et al., TAT(H) 07-34(CR) (N.Y. City Tax App. Dec. 3, 2009)*

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
December 15, 2011

Desmond T. Barry, Jr.

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November 29, 2011, American Airlines, Inc. and its parent company, AMR Corporation (together "American"), filed for Chapter 11 protection in the bankruptcy court in the Southern District of New York and, accordingly, WTCP's actions against those defendants are stayed by operation of the automatic stay imposed by Section 362 of the Bankruptcy Code. American intends to move promptly for the lifting of the automatic stay in 08 CV 3722 pursuant to a stipulation and, in any event, is situated identically to the other Aviation Defendants concerning the issues addressed in this Motion.

<sup>2</sup> "WTCP" refers to World Trade Center Properties LLC, 1 World Trade Center LLC, 2 World Trade Center LLC, 4 World Trade Center LLC, and 5 World Trade Center LLC. These entities are affiliated with Silverstein Properties, Inc.